

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Thomas B. Ure 800 West 6th Street., Suite 940 Los Angeles, CA 90017 213-202-6070 Fax: 213-202-6075 170492 tom@urelawfirm.com	FOR COURT USE ONLY
<input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: DEBTOR	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Lilia Nuno	CASE NO: 2:17-bk-16215-WB CHAPTER 13 NOTICE OF MOTION AND MOTION IN INDIVIDUAL CASE FOR ORDER IMPOSING A STAY OR CONTINUING THE AUTOMATIC STAY AS THE COURT DEEMS APPROPRIATE (with supporting declarations) DATE: June 13, 2017 TIME: 10:00 A.M. COURTROOM: 1375 PLACE: 255 East Temple Street Los Angeles, CA 90017
Debtor(s).	

Movant: LILIA NUNO

1. NOTICE IS HEREBY GIVEN to **ALL INTERESTED PARTIES LISTED ON THE ATTACHED PROOF OF SERVICE** (Secured Creditor/Lessor), trustee (if any), and affected creditors (Responding Parties), their attorneys (if any), and other interested parties that on the above date and time and in the stated courtroom, Movant in the above-captioned matter will move this court for an order imposing a stay or continuing the automatic stay as to certain creditors and actions described in the motion on the grounds set forth in the attached motion.
2. **Hearing Location:**

<input checked="" type="checkbox"/> 255 East Temple Street, Los Angeles, CA 90012	<input type="checkbox"/> 411 West Fourth Street, Santa Ana, CA 92701
<input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills, CA 91367	<input type="checkbox"/> 1415 State Street, Santa Barbara, CA 93101
<input type="checkbox"/> 3420 Twelfth Street, Riverside, CA 92501	
3. a. ☐ This Motion is being heard on REGULAR NOTICE pursuant to LBR 9013-1. If you wish to oppose this Motion, you must file a written response to this motion with the court and serve a copy of it upon the Movant's attorney

(or upon Movant, if the motion was filed by an unrepresented individual) at the address set forth above no less than 14 days before the above hearing and appear at the hearing of this motion.

- b. ☒ This motion is being heard on SHORTENED NOTICE. If you wish to oppose this motion, you must appear at the hearing. Any written response or evidence must be filed and served: ☐ at the hearing ☒ at least 7 days before the hearing.
- (1) ☒ An Application for Order Setting Hearing on Shortened Notice was not required (according to the calendaring procedures of the assigned judge).
- (2) ☐ An Application for Order Setting Hearing on Shortened Notice was filed per LBR 9075-1(b) and was granted by the court and such motion and order has been or is being served upon the appropriate creditor(s) and trustee, if any.
- (3) ☐ An Application for Order Setting Hearing on Shortened Notice has been filed and remains pending. Once the court has ruled on that motion, you will be served with another notice or an order that will specify the date, time and place of the hearing on the attached motion and the deadline for filing and serving a written opposition to the motion.
4. You may contact the Clerk's Office or use the court's website (www.cacb.uscourts.gov) to obtain a copy of an approved court form for use in preparing your response (optional court form F 4001-1.RESPONSE), or you may prepare your response using the format required by LBR 9004-1 and the Court Manual.
5. If you fail to file a written response to the motion or fail to appear at the hearing, the court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.

Date: 5/30/2017

Ure Law Firm

Printed name of law firm (if applicable)

Thomas B. Ure 170492

Printed name of individual Movant or attorney for Movant

/s/ Thomas B. Ure

Signature of individual Movant or attorney for Movant

MOTION FOR ORDER IMPOSING A STAY OR CONTINUING THE AUTOMATIC STAY AS THE COURT DEEMS APPROPRIATE

Movant: Lilia Nuno

1. The Property or Debt at Issue:

- a. ☒ Movant moves for an order imposing a stay with respect to the following property (Property):
- ☒ Vehicle (describe year, manufacturer, type, and model): **2013 BMW 750i**
Vehicle Identification Number:
Location of vehicle (if known):
- ☐ Equipment (describe manufacturer, type, and characteristics):
Serial number(s):

Location (if known):
- ☐ Other Personal Property (describe type, identifying information, and location):
- ☒ Real Property
Street Address: **4172 - 4172 1/2 Woodlawn Ave.**
Apt./Suite No.:
City, State, Zip Code: **Los Angeles, CA 90017**
Legal description or document recording number(include county of recording): **APN Number: 5113-032-013**
- ☐ See attached continuation page
- ☒ Real Property
Street Address: **2129 W 21st Street**
Apt./Suite No.:
City, State, Zip Code: **Los Angeles, CA 90018-1321**
Legal description or document recording number(include county of recording): **APN Number:**
- ☐ See attached continuation page
- ☒ Real Property
Street Address: **206 West Martin Luther King Jr.**
Apt./Suite No.:
City, State, Zip Code: **Los Angeles, CA 90037**
Legal description or document recording number(include county of recording): **APN Number:**
- ☐ See attached continuation page
- ☒ Real Property
Street Address: **4782 South Main Street**
Apt./Suite No.:
City, State, Zip Code: **Los Angeles, CA 90037**
Legal description or document recording number(include county of recording): **APN Number:**
- ☐ See attached continuation page

The following creditor(s) have a security interest or unexpired lease in this Property (give full name and address of creditor) **Wells Fargo Home Mortgage; Wells Fargo Home Mortgage; Bayview; Citi Mortgage, Chase** to secure the sum of approximately **\$367,562.71 (1st TD holder on 4172 - 4172 1/2 Woodlawn Ave. Los Angeles CA 90017); \$620,728.65 (1st TD holder on 2129 W 21st Street , Los Angeles, CA 90018; \$339,402.00 (1st TD holder on 206 West Martin Luther King Jr., Los Angeles, CA 93307); \$117,000.00 (1st TD holder on 4782 south Main St., Los Angeles, CA 90037; \$216552.93 2nd TD on 4782 South Main St., Los Angeles, CA 90037** now owed. (Secured Creditor/Lessor). Additional

creditors who are the subject of this motion, and their respective claims, addresses and collateral, are described on the continuation sheets attached. (*Attach additional sheets as necessary*)

- b. ☐ Movant moves for an order **imposing a stay** with respect to *any and all actions* against the Debtor and the estate taken concerning the debt/lease owed to the Secured Creditors/Lessors as described in this motion; and/or
- c. ☐ Movant moves for an order **imposing a stay** as to all creditors.
- d. ☐ Movant moves for an order **continuing the automatic stay** with respect to any and all actions against the Debtor and the estate taken concerning the debt/lease owed to the Secured Creditor/Lessor, and/or
- e. ☐ Movant moves for an order **continuing the automatic stay** as to all creditors.

2. **Case History:**

- a. ☒ A voluntary ☐ An involuntary petition concerning an individual[s] under chapter ☐ 7 ☐ 11 ☐ 12
☒ 13 was filed concerning the present case on (*specify date*): **May 19, 2017**
- b. ☐ An Order of Conversion to Chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on (*specify date*):
- c. ☐ Plan was confirmed on (*specify date*):
- d. ☒ Other bankruptcy cases filed by or against this Debtor have been pending within the past year preceding the petition date in this case. These cases and the reasons for dismissal are:

1. Case name: **Lilia Nuno**
Case number: **2:14-15240-NB** Chapter: **13**
Date Filed: **03/19/2014** Date dismissed: **04/09/2014**
Relief from stay re this Property ☐ was ☒ was not granted
Reason for dismissal: **My case was dismissed for failure to file documents.**
2. Case name: **Lilia Nuno**
Case number: **2:16-bl-19791-NB** Chapter: **13**
Date Filed: **07/25/2016** Date dismissed: **08/12/2016**
Relief from stay re this Property ☐ was ☒ was not granted
Reason for dismissal: **Reason for dismissal: My case was dismissed for failure to file documents.**
3. Case name: **Lilia Nuno**
Case number: **2:17-bk-12552-VZ** Chapter: **13**
Date Filed: **03/03/2017** Date dismissed: **03/21/2017**
Relief from stay re this Property ☐ was ☒ was not granted
Reason for dismissal: **Reason for dismissal: My case was dismissed for failure to file documents.**

☐ See attached continuation page

- e. ☐ As of the date of this motion the Debtor ☐ has ☐ has not filed a statement of intentions regarding this Property as required under 11 U.S.C. §521(a)(2). If a statement of intentions has been filed, Debtor ☐ has ☐ has not performed as promised therein.
- f. ☒ The first date set for the meeting of creditors under 11 U.S.C §341(a) is/was **June 29, 2017** and the court ☐ has ☒ has not fixed a later date for performance by Debtor of the obligations described at 11 U.S.C. §521(a)(2). The extended date (*if applicable*) is ____.
- g. ☒ In a previous case(s), as of the date of dismissal there was:
☐ an action by the Secured Creditor/Lessor under 11 U.S.C. §362(d) still pending or
☒ such action had been resolved by an order terminating, conditioning or limiting the stay as to such creditor.

3. The equity in the property is calculated as follows:

- a) 1. Property description/value:___ \$___
2. Creditor/Lien amount:___ \$___
3. Creditor/Lien amount:___ \$___
4. Creditor/Lien amount:___ \$___
5. Creditor/Lien amount:___ \$___
6. Total Liens \$___
7. Debtor's Homestead Exemption \$___
8. Equity in the Property (subtract lines 6 and 7 from line 1 and enter here) \$___

- b) 1. Property description/value:___ \$___
2. Creditor/Lien amount:___ \$___
3. Creditor/Lien amount:___ \$___
4. Creditor/Lien amount:___ \$___
5. Creditor/Lien amount:___ \$___
6. Total Liens \$___
7. Debtor's Homestead Exemption \$___
8. Equity in the Property (subtract lines 6 and 7 from line 1 and enter here) \$___

☐ See attached continuation page

4. **Grounds for Continuing the Stay:**

a. ☐ Pursuant to 11 U.S.C. § 362(c)(3) the stay should be continued on the following grounds:

1. ☐ The present case was filed in good faith notwithstanding that a prior single or joint case filed by or against the individual Debtor which was pending within the year preceding the petition date was dismissed, because:
- A. ☐ The prior dismissal was of a case not refiled under chapter 7 after dismissal under 11 U.S.C. § 707(b);
- B. ☐ Good faith is shown because
☐ See attached continuation page
2. ☐ The Property is of consequential value or benefit to the estate because:
- A. ☐ The fair market value of the Property is greater than all liens on the Property as shown above in paragraph 3 and as supported by declarations attached (*describe separately as to each property*);
- B. ☐ The Property is necessary to a reorganization for the following reasons:
☐ See attached continuation page
- C. ☐ The Secured Creditor/Lessor's interest can be adequately protected by (describe Movant's proposal for adequate protection:) **Debtor will continue to make regular mortgage payments to the 1st Trust Deed holders and 2nd Trust Deed holders on the subject properties.**
- ☐ See attached continuation page
3. ☒ The presumption of a bad faith filing under 11 U.S.C. § 362(c)(3)(C)(i) is overcome in this case as to *all* creditors because:
- A. ☐ The prior dismissal was pursuant to the creation of a debt repayment plan. 11 U.S.C. § 362(i);
- B. ☐ Debtor's failure to file or amend the petition or other documents as required by the court or Title 11 of the United States Code and resulting in dismissal was excusable because such failure was caused by the negligence of Debtor's attorney;
- C. ☐ Debtor's failure to file or amend the petition or other documents as required by the court or Title 11 of the United States Code and resulting dismissal was excusable because ___

☐ See attached continuation page

- D. ☐ Debtor's failure to provide adequate protection as ordered by the court in the prior case is excusable because ____

☐ See attached continuation page

- E. ☐ Debtor's failure to perform the terms of a confirmed plan in the prior case is excusable because ____

☐ See attached continuation page

- F. ☒ There has been a substantial change in the personal or financial affairs of the Debtor since the dismissal of the prior case(s) as follows: **Debtor has hired a attorney to handle her bankruptcy case.**

From this, the court may conclude that this case, if a case under chapter 7, will result in a discharge or, if under chapter 11 or 13, in a confirmed plan that will be fully performed.

☐ See attached continuation page

- G. ☐ For the following additional reasons ____

☐ See attached continuation page

4. ☐ The presumption of a bad faith filing as to the Secured Creditor/Lessor under 11 U.S.C. §362(c)(3)(C)(ii) is overcome in this case because _

☐ See attached continuation page

5. **Grounds for Imposing a Stay:**

- a. ☒ Pursuant to 11 U.S.C. §362(c)(4) this case was filed in good faith and grounds exist for imposing a stay as follows:

1. ☐ The Property is of consequential value or benefit to the estate because the fair market value of the Property is greater than all liens on the property as shown above in paragraph 3 and as supported by declarations attached.
2. ☒ The Property is of consequential value or benefit to the estate because the Property is necessary to a reorganization for the following reasons: **2 properties are locations of Debtor's businesses, 1 location is a rental and 1 location is her residence.**

☐ See attached continuation page

3. ☒ The Secured Creditor/Lessor's interest can be adequately protected by (describe Movant's proposal for adequate protection): **Debtor will continue to make regular mortgage payments to the 1st Trust Deed holders and 2nd Trust Deed holders on the subject properties.**

☐ See attached continuation page

b. ☐ The present case was filed in good faith notwithstanding that the prior single or joint cases filed by or against the individual Debtor pending within the year preceding the petition date were dismissed, because:

1. ☐ The prior dismissal was of a case not refiled under chapter 7 after dismissal under 11 U.S.C. §707(b);
2. ☐ Good faith is shown because ____

☐ See attached continuation page

c. ☒ The presumption of a bad faith filing under 11 U.S.C. §362(c)(4)(D)(i) is overcome in this case as to *all creditors* because:

1. ☒ Debtor had a substantial excuse in failing to file or amend the petition or other documents as required by the court or Title 11 of the United States Code, resulting in the prior dismissal(s) as follows: **Debtor was misled and abandoned by a loan modification professional in her first filing and Debtor believed that all required schedules were filed in her second case by reviewing the checklist provided by the clerk but the case was dismissed due to the fact that something was missing to complete her filing.**

☐ See attached continuation page

2. ☐ Debtor's failure to file or amend the petition or other documents as required by the court or Title 11 of the United States Code and resulting dismissal was as the result of the negligence of Debtor's attorney;
3. ☐ Debtor's failure to provide adequate protection as ordered by the court in the prior case is excusable because ____

☐ See attached continuation page

4. ☐ Debtor's failure to perform the terms of a confirmed plan in the prior case is excusable because ____

☐ See attached continuation page

5. ☒ There has been a substantial change in the personal or financial affairs of the Debtor since the dismissal of the prior case(s) as follows: **Debtor hired an experienced attorney to assist her in this pending case and he will ensure that all required schedules are timely filed.**

(from which the Court may conclude that this case, if a case under chapter 7, may be concluded with a discharge or, if under chapter 11 or 13, with a confirmed plan that will be fully performed).

☐ See attached continuation page

6. ☐ For the following additional reasons ____

☐ See attached continuation page

7. ☐ The presumption of bad faith as to the Secured Creditor/Lessor under 11 U.S.C. §362(c)(4)(D)(ii) is overcome in this case because ____

☐ See attached continuation page

6. **Evidence in Support of Motion: (*Important Note: Declaration(s) in support of the Motion MUST be attached hereto*).**

- a. ☐ Movant submits the attached Declaration(s) on the court's approved forms (if applicable) to provide evidence in support of this Motion pursuant to LBRs.
- b. ☒ Other Declaration(s) are also attached in support of this Motion
- c. ☐ Movant requests that the court consider as admissions the statements made by Debtor under penalty of perjury concerning Movant's claims and the Property set forth in Debtor's(s') Schedules. Authenticated copies of the relevant portions of the Schedules are attached as Exhibit ____.
- d. ☐ Other evidence (*specify*): ____

7. ☐ **An optional Memorandum of Points and Authorities is attached to this Motion.**

WHEREFORE, Movant prays that this Court issue an Order Imposing a Stay and granting the following (*specify forms of relief requested*):

- 1. ☐ That the Automatic Stay be continued in effect as to all creditors until further order of the court.
- 2. ☐ That the Automatic Stay be continued in effect as to the Secured Creditor/Lessor with respect to the Property until further order of the court.
- 3. ☐ That the Automatic Stay be continued in effect as to the Secured Creditor/Lessor with respect to actions to collect the debt owed to the Secured Creditor/Lessor until further order of the court.
- 4. ☒ That a Stay be imposed as to all creditors until further order of the court..
- 5. ☐ That a Stay be imposed as to the Secured Creditor/Lessor with respect to the Property until further order of the court.
- 6. ☐ That a Stay be imposed as to the Secured Creditor/Lessor with respect to actions to collect the debt owed to the Secured Creditor/Lessor until further order of the court.
- 7. ☐ For adequate protection of the Secured Creditor/Lessor by (*specify proposed adequate protection*) ____
- 8. ☐ For other relief requested, see attached continuation page.

Date: 5/30/2017

Respectfully submitted,

Lilia Nuno

Movant Name

Ure Law Firm

Firm Name of attorney for Movant (if applicable)

/s/ Thomas B. Ure

Signature

Thomas B. Ure 170492

Printed Name of Individual Movant or Attorney for Movant

DECLARATION OF MOVANT

I, _____, am the _____ of Movant. I have read the foregoing motion consisting of ____ pages, and the attached materials incorporated therein by reference. If reference is made to balances owing, my testimony regarding same is based upon the business records of Movant kept in the ordinary course of business of Movant by persons whose responsibility it is to accurately and faithfully record information as to the Debtor's account on or near the date of events recorded. I am one of the custodians of such business records.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed name of declarant

Signature

DECLARATION OF LILIA NUNO

I, LILIA NUNIO, declare:

1. I am the Debtor in Chapter 13 case number 2:17-bk-16215-WB. As such, I have personal knowledge of the facts stated herein, and if called upon to testify thereto, I could and would do so competently and truthfully.
2. This declaration is in support of my Motion for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate and in explanation of the changed circumstances between this case and my prior case which was dismissed within the year prior to the filing of this case.

2:16-bk-19791-NB

3. On July 25, 2016, I filed my prior bankruptcy case, which was assigned case number 2:16-bk-19791-NB, in order to prevent the foreclosure of my property.
4. I was working with someone who was assisting me with my loan modification and that person told me to file to stop the foreclosure. After I filed, the person abandoned me and I tried to complete the paperwork on my own, but failed to file all the required documents.
5. On August 12, 2016, the case was dismissed for failure to file schedules.

2:17-bk-12552-VZ

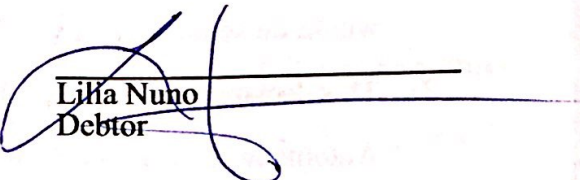
6. On March 3, 2017, I filed another bankruptcy case, which was assigned case number 2:17-bk-12552-VZ. This case was filed on my own.
7. I received a checklist of missing items. I returned to the bankruptcy filing window and believed that I filed every required document.
8. On March 21, 2017, the case was dismissed for failure to file all the required schedules. To this day, I do not know what was missing from the paperwork which caused the dismissal of the case.

INSTANT CASE

9. On May 19, 2017, I filed the instant case which was assigned case number 2:17-bk-16215-WB. I filed this case in order prevent the foreclosure of my property.
10. However, rather than attempting to represent myself, I hired Ure Law Firm.

11. I believe that, with the assistance of my attorney, I will be able to comply with all the requirements in this bankruptcy case, including the filing of all the required paperwork.

I declare under penalty of perjury according to the laws of the United States of America that the foregoing is true and correct and that this Declaration is executed on this ____ day of May, 2017 at Los Angeles, California.


Lila Nuno
Debtor

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
800 West 6th Street., Suite 940
Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (*specify*): Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 5/30/2017 checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

TRUSTEE: Nancy K Curry (TR) TrusteeECFMail@gmail.com

UNITED STATES TRUSTEE: United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

ATTORNEY FOR DEBTOR: Thomas B Ure tbuesq@aol.com, ThomasUre@aol.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 5/30/2017, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

SERVED BY PERSONAL DELIVERY

United States Bankruptcy Court

Honorable Julia W. Brand

255 E. Temple Street, Suite 1382/ Courtroom 1375

Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

5/30/2017

Yolanda Segura

/s/ Yolanda Segura

Date

Printed Name

Signature